

Approved: Kaylan E. Lasky
KAYLAN E. LASKY
Assistant United States Attorney

20 MAG 7770

Before: THE HONORABLE BARBARA MOSES
United States Magistrate Judge
Southern District of New York

- - - - - X
UNITED STATES OF AMERICA : SEALED COMPLAINT
:
- v. - : Violations of 18 U.S.C.
: §§ 1951, 924(c)(1)(A),
DAMIEN MATTHEWS, : and 2
:
Defendant. : COUNTY OF OFFENSE:
: NEW YORK
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JENNIFER CARDILLO, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and New York City Police Department ("NYPD") Joint Robbery Task Force, being duly sworn, deposes and states:

COUNT ONE
(Hobbs Act Robbery)

1. On or about June 24, 2020, in the Southern District of New York and elsewhere, DAMIEN MATTHEWS, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MATTHEWS committed an armed robbery of a convenience store located at 1594 York Avenue in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWO
(Attempted Hobbs Act Robbery)

2. On or about July 16, 2020, in the Southern District of New York and elsewhere, DAMIEN MATTHEWS, the defendant, did knowingly attempt to commit robbery, as that term

is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MATTHEWS attempted to commit an armed robbery of a convenience store located at 368 8th Avenue in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE
(Attempted Hobbs Act Robbery)

3. On or about July 16, 2020, in the Southern District of New York and elsewhere, DAMIEN MATTHEWS, the defendant, did knowingly attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MATTHEWS attempted to commit an armed robbery of a convenience store located at 194 7th Avenue in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOUR
(Hobbs Act Robbery)

4. On or about July 16, 2020, in the Southern District of New York and elsewhere, DAMIEN MATTHEWS, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MATTHEWS committed an armed robbery of a smoke shop located at 177 1st Avenue in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE
(Brandishing of a Firearm)

5. On or about July 16, 2020, in the Southern District of New York and elsewhere, DAMIEN MATTHEWS, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States,

namely, the robbery charged in Count Four of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished during the robbery charged in Count Four of this Complaint.

(Title 18, United States Code, Section 924(c)(1)(A)(i), (ii) and 2.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

6. I am a Special Agent with ATF and am assigned to the ATF/NYPD Joint Robbery Task Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers, my examination of documents, videos, reports and records, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Robbery Pattern

7. Law enforcement officers have been investigating a series of robberies and attempted robberies that have occurred between at least on or about June 24, 2020 through at least on or about July 16, 2020 (the "Incidents"). During the Incidents, a robber, armed with a firearm or a knife, has robbed or attempted to rob a commercial establishment of money and, in one instance, cigarettes. The robber has then fled the scene on foot. In three of the four Incidents, the robber targeted different branches of a particular convenience store (the "Convenience Store"). As set forth below, see infra ¶¶ 9-10, I have identified the robber as DAMIEN MATTHEWS, the defendant.

8. Based on my review of law enforcement reports and surveillance video footage obtained from and in the vicinity of the locations where the Incidents occurred, my review of documents and records, and my conversations with other law enforcement officers, I have learned, in substance and in part, the following:

a. On or about June 24, 2020, at approximately 11:08 p.m., a man who has since been identified as DAMIEN MATTHEWS, the defendant, see infra ¶¶ 9-10, entered a branch of

the Convenience Store ("Convenience Store Branch-1") located in the vicinity of 84th Street and York Avenue in Manhattan, New York. MATTHEWS was wearing, among other things, sunglasses, a medical mask, and a blue and grey backpack (the "Blue Backpack"). MATTHEWS walked behind the counter where an employee ("Employee-1") was standing, displayed what appeared to be a dark-colored firearm, and demanded, in substance and in part, that Employee-1 open the cash register. Employee-1 complied, and MATTHEWS took approximately \$500 in cash and approximately 20 packs of cigarettes. MATTHEWS then exited Convenience Store Branch-1, fleeing on foot.

b. Minutes later, surveillance video footage captured MATTHEWS in a subway station located on 86th Street (the "Subway Station"), several blocks from Convenience Store Branch-1. In the Subway Station, MATTHEWS, among other things, took off the sunglasses and medical mask, revealing distinctive-looking hair and what appears to be a small birthmark on the right side of his neck. In the Subway Station, MATTHEWS was wearing certain of the same clothing that the robber wore in the surveillance video footage obtained from Convenience Store Branch-1, including the Blue Backpack.

c. On or about July 16, 2020, at approximately 4:50 p.m., a man who has since been identified as MATTHEWS, see infra ¶¶ 9-10, entered a different branch of the Convenience Store ("Convenience Store Branch-2") located in the vicinity of West 28th Street and 8th Avenue in Manhattan, New York. MATTHEWS was wearing, among other things, a medical mask, a tan hat with a distinctive logo (the "Tan Hat"), a red sweater, and a green backpack (the "Green Backpack"). What appeared to be a small birthmark was visible on the right side of MATTHEWS' neck. MATTHEWS walked behind the counter where two employees ("Employee-2" and "Employee-3," respectively) were standing, displayed what appeared to be a dark-colored firearm, and stated, in substance and in part, that Employee-2 and Employee-3 should open the cash register. When customers entered Convenience Store Branch-2, MATTHEWS fled without proceeds.

d. Also on or about July 16, 2020, at approximately 5:14 p.m., a man who has since been identified as MATTHEWS, see infra ¶¶ 9-10, entered a branch of the Convenience Store ("Convenience Store Branch-3") located in the vicinity of West 21st Street and 7th Avenue in Manhattan, New York. MATTHEWS was wearing, among other things, a medical mask, the Tan Hat, a black shirt, and the Green Backpack. What appeared to be a small birthmark was visible on the right side of MATTHEWS' neck. MATTHEWS walked behind the counter where an employee ("Employee-

4") was standing, displayed what appeared to be a knife, and demanded, in substance and in part, money from the cash register. Employee-4 and another individual chased MATTHEWS out of Convenience Store Branch-3, and MATTHEWS fled without proceeds. Approximately half of a block away from Convenience Store Branch-3, on or about 21st Street, surveillance video footage captured MATTHEWS taking off the medical mask and the Tan Hat, revealing distinctive-looking hair. MATTHEWS then changed into a yellow shirt (the "Yellow Shirt").

e. On or about July 16, 2020, at approximately 7:55 p.m., a man who has since been identified as MATTHEWS, see infra ¶¶ 9-10, entered a smoke shop (the "Smoke Shop") located in the vicinity of East 11th Street and 1st Avenue in Manhattan, New York. MATTHEWS was wearing, among other things, a medical mask, the Tan Hat, the Yellow Shirt, and the Green Backpack. What appeared to be a small birthmark was visible on the right side of MATTHEWS' neck. MATTHEWS walked behind the counter where an employee ("Employee-5") was standing, displayed what appeared to be a dark-colored firearm, and demanded, in substance and in part, that Employee-5 should open the cash register. Employee-5 complied, and MATTHEWS took approximately \$320 in cash. MATTHEWS then exited the Smoke Shop.

MATTHEWS is Identified

9. Based on my review of surveillance video footage obtained from and in the vicinity of Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop, my review of photographs available on publicly-available and law enforcement databases, and my discussions with other law enforcement officials, I have learned, in substance and in part, the following:

a. The man who robbed or attempted to rob Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop appears to be a young male with distinctive hair and a small birthmark visible on the right side of his neck.

b. Surveillance video footage obtained from and in the vicinity of Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop show at least a portion of the face of the man who robbed or attempted to rob Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop.

c. Surveillance video footage taken from the Subway Station (minutes after the robbery of Convenience Store Branch-1), from the vicinity of Convenience Store Branch-2 (minutes after the robbery of Convenience Store Branch-2), and from the vicinity of Convenience Store Branch-3 (minutes after the robbery of Convenience Store Branch-3) depict the face of the man who robbed or attempted to rob Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop, without a medical mask or sunglasses.

10. Based on my review of the surveillance photographs and videos taken from Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop, as well as my review of photographs of DAMIEN MATTHEWS, the defendant, taken from publicly-available and law enforcement databases, I believe the surveillance photographs and video, and the database photographs depict the same person, and there is thus probable cause to believe that MATTHEWS is the man who robbed or attempted to rob Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop.

11. On or about July 24, 2020, I confirmed that certain of the goods that Convenience Store Branch-1, Convenience Store Branch-2, Convenience Store Branch-3, and the Smoke Shop offers for sale move in interstate or international commerce.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of DAMIEN MATTHEWS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

s/ Jennifer Cardillo by the Court with permission

JENNIFER CARDILLO
Special Agent
Joint Robbery Task Force
ATF/NYPD, Group V

Sworn to me through reliable
electronic means (Facetime) this
24rd day of July, 2020



THE HONORABLE BARBARA MOSES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK